THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

W.P.No. 25797 of 1996

Dated: 21-11-2006

Between:-

Babu Naidu Nagar Huts Dwellers Association
Near Hakeem Baba Dargah, Hakeempet,
Hyderabad rep., by its President.

..Petitioner

And

The Collector,
Hyderabad district,
Office at Nampally Station Road,
Hyderabad and three others and three others.

..Respondents.

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:O R D E R:

The petitioner—Hut Dwellers Association—filed this writ petition seeking directions, by way of Mandamus, for issuance of directions to the respondents to grant patta certificates to the members of the petitioner-association in respect of the land in occupation by its members towards their residential dwellings.

In the affidavit filed in support of the writ petition, it is stated that there are about 560 members in the petitioner's association, which is a body registered under the provisions of the Public Societies Registration Act with registration No.1990/95. It is stated that all the members have erected either huts or single room tenements in the land covered by survey No. 102 of Hakimpet village, which is gairan land. It is stated that their houses and huts were assessed to municipal tax by the concerned local authority and electricity connections were also given. It is their grievance that though the members of the petitioner's association are entitled for grant of pattas to the extent of the land in the individual occupations of its members, but in spite of their representation dated 16-10-1996, no action is being taken by the respondents.

At the stage of admission, this court has granted directions not to evict the members of the petitioner's association from the land in

their occupation. The said order continued from the year 1996 onwards. Though the writ petition is of the year 1996, so far no counter affidavit is filed and no further information is also furnished by the learned Government Pleader appearing for respondents with regard o the present status of the availability of land and about the alleged occupation of the members of the petitioner's association.

The grant of pattas under any welfare scheme, even for poorer sections, who are not having houses of their own, will be considered by the respondents only subject to eligibility and on compliance of the conditions for grant of issuance of such patta and that no individual member of the petitioner's association is before this court with the plea that he is eligible for grant of patta, and hence no direction can be issued more particularly by way of Mandamus. But, however, as it is stated that the members of the petitioner association are in occupation from the last several years and in the absence of any counter affidavit filed by the respondents, I dispose of the writ petition permitting the members of the petitioner's association to make their individual applications for issuance of patta to the extent of the land in their occupation, covered by any structures which exist already, to the concerned authorities within a period of four weeks from today. If such applications are filed, it is open for the respondents to consider the eligibility of the individual member of the petitioner's association for grant of patta to the extent of applicant's possession and to pass necessary orders. If applications are filed by any of the members of the petitioner-association within the time stipulated above, unless the respondents consider eligibility of the members of the petitioner-association, no steps shall be taken for eviction of such of the applicants who make application pursuant to the order of this court till appropriate orders are passed by the respondents.

Subject to the above directions, the writ petition is disposed of.

No order as to costs.

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R. SUBHASH REDDY, J

Dated: 21-11-2006
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